

# **EXHIBIT 23**

PETER G. SHIELDS, M.D.

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STATE OF NORTH CAROLINA                      IN THE GENERAL  
NEW HANOVER COUNTY                      COURT OF JUSTICE  
  
   SUPERIOR COURT  
  
   DIVISION  
  
   FILE NO. 07CVS 4453

CATHY BATTON, Executrix                      \*  
of the Estate of Dewey                      \*  
Batton, Deceased                              \*  
                                 Plaintiff                      \*  
                                 vs.    \*  
CSX TRANSPORTATION, INC.                      \*  
                                 Defendant                              \*

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Deposition of PETER G. SHIELDS, M.D.,  
taken on Friday, September 26, 2008, beginning  
at 9:00 a.m., at Lombardi Comprehensive Cancer  
Center, Georgetown University Medical Center,  
3800 Reservoir Road. N.W., Washington, D.C.,  
before Linda Ann Crockett, a Notary Public.

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Reported by:  
  
Linda A. Crockett

PETER G. SHIELDS, M.D.

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1 APPEARANCES:

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SCOTT R. FRIELING, ESQUIRE

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Allen Stewart, P.C.

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Republic Center

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325 North St. Paul Street

Suite 2750

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On behalf of the Plaintiff

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FRANK GORDON, ESQUIRE

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On behalf of the Defendant

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THE PROCEEDINGS

STIPULATIONS

It is stipulated and agreed by and between  
counsel for the respective parties that the  
reading and signing of this deposition by the  
witness is hereby not waived.

PETER G. SHIELDS, M.D.,

first duly sworn to tell the truth, the whole  
truth, and nothing but the truth, testified as  
follows:

EXAMINATION BY MR. FRIELING:

**Q. Good morning.**

A. Good morning.

**Q. My name is Scott Frieling. We met off  
the record. We have not met before; is that  
true?**

A. That's correct.

**Q. Have you been deposed before, Doctor?**

A. Yes.

**Q. How many times, roughly?**

A. Somewhere between 10 and 20.

**Q. Just so you know, if you need a break  
at any time, just let me know. If you don't**

**PETER G. SHIELDS, M.D.**

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1 remember. I think it's the refractory anemia  
2 with ringed sideroblasts, it either does or  
3 doesn't. That's the category standing out in  
4 my mind.

5 Q. Have you reached a conclusion, Doctor,  
6 whether benzene can cause all forms of MDS in  
7 humans?

8 A. I'm aware -- I do believe that  
9 sufficient exposure to benzene can cause at  
10 least some types of MDS, maybe all types of  
11 MDS. I think it just has not been studied well  
12 enough to know whether or not there are some  
13 types that it doesn't. But there is certainly  
14 some thought that it is the case.

15 Q. Does benzene cause any forms of  
16 leukemia in humans?

17 A. Yes, benzene can cause AML, acute  
18 myeloid leukemia as well as chronic myeloid  
19 leukemia in humans.

20 Q. AML and CML?

21 A. That's right.

22 Q. Do you know what the position is of  
23 IARC on whether benzene can cause MDS in  
24 humans?

25 A. IARC usually doesn't take positions of